



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

THE DECREE-SELLER IN THE *BIRDS*, AND THE PROFESSIONAL POLITICIANS AT ATHENS

BY CARL NEWELL JACKSON

IN that scene in the *Birds* of Aristophanes (903-1057) in which Pithetaerus tries in vain to sacrifice to the gods of the new city, there appear several characters who expect to derive personal profit from participating in the founding of Cloudcuckootown. They represent Athenian citizens, each exhibiting typically certain aspects of society in Athens which aroused Aristophanes's fervent disapprobation. The poet's attitude toward these pests and bores is reflected in the manner of reception accorded them by Pithetaerus. As he discovers to his amazement the self-interest which prompts their coming, his patience grows less and less with each new arrival. His briefest interview is with his last visitor, the ψηφισματοπώλης, a seller of decrees. This personage and the ἐπίσκοπος, who precedes him in the scene, are obviously political characters, base products of the Athenian democracy, and as such worthy objects of the comic poet's satire.

The word ψηφισματοπώλης itself was apparently coined by Aristophanes and as it is not found elsewhere in literature, any information to be obtained about this character must be sought in the short dialogue between him and Pithetaerus (1035 sqq.), and in the scholia pertinent to this passage. The reader of the *Birds* will recall that the ψηφισματοπώλης comes for the purpose of vending laws (νόμους νέους . . . πωλήσων), and that he recites portions of three laws more or less apposite to the dramatic situation. Of decisive evidence as to the identity of this character there is nothing. It is therefore a gratuitous assumption on the part of Kock to declare in his note on line 1035:—"Da die Psephismen nun mit der wachsenden Demokratie sich stark vermehrten und die abhängigen Staaten ein grosses Interesse hatten nicht unbekannt damit zu bleiben, so wurde die Aufzeichnung und der Verkauf

derselben von einer eigenen Klasse von Geschäftsleuten, den ψηφισματοπῶλαι, betrieben." ¹

The absurdity of such an explanation was shown by van Leeuwen in his comment on this line. The German scholar indeed had missed the point of Aristophanes's satire. Blaydes on the other hand, acting probably on the statement in the Argument to the play, ἀλλὰ καὶ ὅσα παίζει, ἐπίσκοπον ἢ ψηφισματογράφον, κτλ., had perceived that the satire was directed against both the propensity of the Athenians to legislate and the venality of the demagogues. But no attempt has been made, so far as I know, to identify the ψηφισματοπώλης himself as one of a recognized class of citizens in the state. The requisite bit of information may possibly be furnished by the scholium on line 1038: ψηφισματοπώλης· οὓς νομορήτορας φάμεν οἱ τοὺς νόμους ἐπὶ μισθῷ πωλοῦσιν. On the basis of this assertion and of the word ψηφισματογράφος in the Argument we are perhaps justified in believing that the ψηφισματοπώλης represents one aspect of the class of professional politicians, οἱ ῥήτορες, and that the satire in this scene is aimed at the venality of these politicians and their traffic in legislation.

As a vendor this character is to be compared with the various 'πῶλαι' in the *Knights*, the στυππειοπώλης, the προβατοπώλης, the βυρσοπώλης, the ἀλλαντοπώλης, and the λυχροπώλης (*Eq.* 129-143; 739), all politicians in Athens, masquerading behind a thin disguise of trade-names. Traffickers, to be sure, of all kinds encounter Aristophanes's hatred and scorn, and since ψηφίσματα mean to him the worst aspects of political interests and activity,² the ψηφισματοπώλης is, as it were, a double-dyed villain, exemplifying particularly perhaps the most prominent feature of political life in Athens, namely venality, just as the πατραλοίας in the *Birds* (1337 sqq.) in the word itself presents one salient trait of the "bad young man." As a ῥήτωρ then the ψηφισματοπώλης naturally stirred Pithetaerus's indignation.

The word ῥήτωρ is used in a variety of significations. It means first of all a public speaker, whether practised or not in τέχνη ῥητορικῇ; thus Suidas s.v.: τὸ παλαιὸν ἐκαλεῖτο ὁ δῆμῳ συμβουλευὼν καὶ

¹ Notes to the same effect are in the editions of Rogers and Merry.

² So Neil on *Eq.* 1383: cf. *Nub.* 1429.

ὁ ἐν δῆμῳ ἀγορεύων, εἴτε ἱκανὸς εἴη λέγειν εἴτε καὶ ἀδύνατος, and in this sense it is opposed to *ιδιώτης*, as professional to layman.¹ It may be used by the orator of himself or of his opponent.² In the plural it is found at times in the good sense of speakers in the legislative assemblies, though generally qualified by adjectives, as *σοφοὺς τε καὶ ἀγαθοὺς ῥήτορας* (Plato, *Theaet.* 167c: cf. also *Symp.* 215d), *ἐνδοξοὶ καὶ μεγάλοι* (Dem. 18, 219), *ἀρίστους* (Isocr. *Antid.* 231), — that is to say, with the meaning "statesmen," and hence, in the triple division of oratory, *συμβουλευτικοί*.³

Another meaning of the word *ῥήτωρ*, singular or plural, is a speaker in the law-courts, a defendant or his lawyer (*συνήγορος*), and thus, technically speaking, *δικανικός*, a meaning not uncommon in Plato.⁴ Thirdly the word may bear the meaning, in a good or bad sense, of one practised in *ῥητορική*, as a teacher or a practitioner of the art, that is *ἐπιδεικτικός*.⁵

Finally, the term is often used in a bad sense, in the plural generally, to signify the professional politicians, venal, corrupt, immoral, unpatriotic, who are the habitual speakers in law-courts, the Senate, and the Assembly;⁶ *οἱ λέγοντες* and *οἱ παριόντες* are often found as synonyms.⁷ The distinction to be drawn between "politician" and "statesman" is clearly made by Demosthenes (21, 189): *καὶ "ῥήτωρ ἐστὶν οὗτος" ἴσως ἐμὲ φήσει λέγων· ἐγὼ δ', εἰ*

¹ Cf. Aeschin. 3, 214, 233, 252 sq. *ἀνὴρ ιδιώτης* and *ἀνὴρ ῥήτωρ*, Alcidas, *de Soph.* 1, Dem. 25, 40 and 97, Isocr., *Areop.* 14. The *ιδιώτης*, face to face with the *ῥήτωρ*, is conscious of his inferiority and mistrusts the latter's technical skill: e.g., Lycurgus, *c. Leocr.* 31, *Λεωκράτης μὲν ἀναβοήσεται αὐτίκα ὡς ιδιώτης ὢν καὶ ὑπὸ τῆς τοῦ ῥήτορος καὶ συκοφάντου δεινότητος ἀναρπαζόμενος.*

² Cf. e.g., Dem. 18, 130 and 212.

³ Cf. Aristoph. *Thes.* 292; *Ecc.* 244.

⁴ Cf., for example, *Theaet.* 172c sqq.; *Euthyd.* 305b; *Apol.* 17b. See also Photius *s.v.*: *οὐχ οἱ συνήγοροι, ἀλλ' οἱ τὴν ἰδίαν γνώμην λέγοντες*, a phrase that discriminates between the lawyer and those who plead their own case. Cf. *Soph. Frag.* 986 N, *ῥήτωρ συνήγορος* and *Plut. De Vitiosa Pudore*, 16, 534 F, and *Alciphron* 2, 26, and 4, 4, 4. In Plato, *Apol.* 23e *ῥητόρων* is of uncertain meaning, but probably signifies "politicians." In *Euthyd.* 284b Plato uses the word to mean "speakers in the assembly." For Aristoph., cf. *Ach.* 680.

⁵ Cf. Aristoph. *Daitaleis*, *Frag.* 198 K; Plato, *Menex.* 235c, *Gorg.* 449a, etc.

⁶ Cf. Aeschin. 3, 9, *τοὺς τε ἐκ τοῦ βουλευτηρίου ῥήτορας καὶ τοὺς ἐκ τοῦ δήμου.*

⁷ Cf. especially Isocr. *De Pace*, § 1, *οἱ λέγοντες*, § 3, *οἱ παριόντες*, § 5, *οἱ ῥήτορες*.

μὲν ὁ συμβουλευέων ὃ τι ἂν συμφέρειν ὑμῖν ἡγήται, καὶ τοῦτ' ἄχρι τοῦ μηδὲν ὑμῖν ἐνοχλεῖν μηδὲ βιάζεσθαι, ῥήτωρ ἐστίν, οὔτε φύγοιμ' ἂν οὔτ' ἀπαρνοῦμαι τοῦτο τοῦνομα· εἰ μέντοι ῥήτωρ ἐστὶν οἷους ἐνίοις τῶν λεγόντων ἐγὼ καὶ ὑμεῖς δ' ὁρᾶτε, ἀναιδέεις καὶ ἀφ' ὑμῶν πεπλουτηκότας, οὐκ ἂν εἶην οὗτος ἐγώ.¹

Such then are the shades of meaning which the word ῥήτωρ bears. If now the ψηφισματοπώλης is to be regarded as representative of οἱ ῥήτορες, what has Aristophanes himself to say about them explicitly in his other plays? For, as has been shown, in the scene in the *Birds* in question his opinion is only implied. In answering this question it will not be amiss to go farther afield and survey the evidence, relative to οἱ ῥήτορες as a depreciatory term, which is offered by the writers of Aristophanes's own time, as well as by those of the following century.

It will be found that there is in general a unanimity of opinion, that the charges brought by Aristophanes against these practical politicians are the charges brought by the orators,² historians, and philosophers of the same and succeeding generations. To put the case succinctly, before examining the details, the charges are these: the politicians, οἱ ῥήτορες, are corrupt and unpatriotic; they are actuated in their public career by motives of self-interest; they manipulate the statutes and laws to their own personal profit; they practise peculation and are spoilsmen; they hold caucuses and form rings; to further their schemes they engage in log-rolling; they league themselves with the most powerful officials to gain control of the state; they favor war rather than peace; irresponsible

¹ Cf. also *Epistle*, 1, 10 and Isocr. *De Pace* 26. The ῥήτωρ may be included in the πολιτικός, a man who engages in public life (Plato, *Phaedr.* 257e and 258b): at the same time the two words are discriminated, as Isocr. *Epistle*, 8, 7, ἐγὼ τοῦ μὲν πολιτεύεσθαι καὶ ῥητορεύειν ἀπέστην· οὔτε γὰρ φωνὴν ἔσχον ἱκανὴν οὔτε τόλμαν. (Cf. also Plato, *Politicus*, 304d and Dem. 18, 178). For other distinctions, cf. [Dem.] 59, 43, οὐ γὰρ πῶς ἦν ῥήτωρ, ἀλλ' ἐπὶ συκοφάντης κτλ.: Plut. *Pericles*, 39, 4, ῥητόρων καὶ δημαγωγῶν ἐτέρων: Lysias, 3, 27, τίς γὰρ ἂν ποτε ῥήτωρ ἐνεθυμήθη ἢ νομοθέτης ἥλπισεν κτλ.: Alcidamas, *de Soph.* 34, ῥήτωρ γενέσθαι δεινὸς μᾶλλον ἢ ποιητὴς λόγων ἱκανός, i.e., a speaker rather than a writer (and so Plato, *Euthyd.* 304c, and cf. Plut., *Conj. Praecepta*, 29, 142A): and Aristotle, *Probl.* 917a 3, διὰ τὴν τὸν φιλόσοφον τοῦ ῥήτορος οἰοῦνται διαφέρειν κτλ.

² By the word 'orators' I mean in this paper the so-called Ten Attic Orators.

and potent they are indifferent to the welfare of the people; they give bad advice and are enemies of the state. This indictment has a familiar ring. οὐδείς οὐδέν ὑγιές ὡς ἔπος εἰπεῖν περὶ τὰ τῶν πόλεων πράττει, says Plato in the *Republic* 496c.

The rise of the *ρήτορες* as a powerful and obnoxious clique to so commanding a position in public affairs that they constituted in the opinion of patriotic Athenians a menace to the state can be clearly observed at the time immediately following the death of Pericles. They were also active, as Plutarch tells us, in the age of Pericles, for in the political struggles between that leader and Thucydides, the latter's party (τῶν περὶ τὸν Θουκυδίδην ῥητόρων) charged Pericles with squandering the public funds (Plutarch, *Pericles*, c. 14). Pericles himself was able to keep his own partisans under control, employing them to transact the ordinary business of the government and reserving himself for matters of great moment (*ibid.* 7, 5). The *ρήτορες* had also received by this time a certain legal notice, involving however no official recognition, in an inscription of c. 445 B.C.¹ Herein are contained provisions for sending out a colony from Athens to Brea in Thrace, with clauses relating apparently to parliamentary procedure and the control of debate. The arrival of Gorgias in Athens and the consequent arousal of interest in the spoken word must have been a contributing factor of no mean importance towards the development of this profession. Aristophanes himself at this very time in his play the *Banqueters* had begun to satirize the new customs of the day. "C'était aux politiciens de profession," says Croiset,² "que le poète s'en prenait: et par là, il faut entendre ceux qui commençaient alors, dans Athènes, à transformer la politique en un métier lucratif."

To this attack he returned again and again in the subsequent plays. Thucydides, in the speeches attributed to Cleon and Diodotus (3, 37 sqq. and 42 sqq.), relative to the Mytilenaeans, had pointed to the mischievous influence which the *ρήτορες* had already acquired in the state in shaping public policy, assigning as the reason for their power their ability to mislead their hearers by the

¹ IG, I, 31: Hicks, *Greek Historical Inscriptions* (1901), p. 37.

² M. Croiset, *Aristophane et les Partis à Athènes* (1906), p. 52.

charm of words. It requires no extended argument to show that these practised debaters and advocates in the Senate, Assembly, and courts, with their knowledge of procedure and the rules of debate, and with their political experience in general, could, though without official position, direct the management of public affairs. Putting almost invariably their own self-interest above the interest of the state,¹ these habitual speakers dominated politics and made the people their easy prey.² They were therefore held in general detestation, as the following citations, first of Aristophanes, then of other writers, show.

The vituperative epithets which the comic poet and the orators of the fourth century hurled at the *ρήτορες*³ reveal at once this attitude of mind. Aristophanes denounced their vileness and immorality (*Eq.* 880: cf. also *Nub.* 1093; *Eccl.* 113) as well as their shameless bravado (*Eq.* 325), their brawling and bluster, (*Ach.* 38; *Eq.* 358), "the blowing and bawling politician," as Whitman puts it. In the orators the virulence of party hatred led to similar denunciations which are comparable with the mud-slinging of modern political campaigns. The *ρήτορες* were called *πονηροί* and *τολμηροί* by Aeschines (3, 234),⁴ *πονηροί* by Isocrates (*De Pace* 129), *κατάρπατοι καὶ θεοὺς ἐχθροί* by Demosthenes (23, 201: cf. 25, 97), who ranked them with *σοφιστῆς ἢ γόης* (29, 32; cf. Plato, *Politicus*, 291b), and *θορύβου μόνον καὶ κραυγῆς κύριοι* by Hyperides (1, 2, 11). Both Isocrates and Demosthenes affirmed that they constituted the worst class in the state (*De Pace*, 129 and 23, 146 respectively).

Aristophanes moreover quotes an old proverb *ὑπὸ λίθῳ γὰρ | παντὶ που χρῆ | μὴ δάκῃ ῥήτωρ ἀθρεῖν*, in which the *λίθος* is the bema of the Pnyx and the rhetor the scorpion.⁵ A similar comparison (*τοὺς ῥήτορας ὁμοίους τοῖς ὀφεί*) is made by Hyperides (*Fr.* 80). Isocrates

¹ Cf. Wilamowitz, *Aristoteles und Athen* (1893), 2, 110.

² So Thucydides, *loc. cit.* That Euripides's opinion of them is like in most respects to that of Aristophanes is shown by Masqueray, *Euripides et ses Idées* (1908), p. 370, and Nestle, *Euripides* (1901), 318 sqq. Cf. Aristophanes, *Ach.* and *Eq. passim*.

³ Aristophanes mentions the speakers in the Assembly (e.g., *Ach.* 38; *Thes.* 292; *Eccl.* 244) and the courts (*Ach.* 680), as well as the rhetoricians (*Fr.* 198 K.).

⁴ Cf. also 3, 20 *τρυφῶσι*.

⁵ *Thes.* 530 and cf. Fritzsche *ad loc.*

likens them to *κόρακες* as being the spiritual descendants of Κόραξ, the father of rhetoric (*Fr.* 3 (δ') 1), Demosthenes often calls them *θηρία* (e.g., 24, 143), and Aristotle is our authority (*Rhet.* 3, 1407a 7) for the comparison made by Democrates with *τίτθαι αἱ τὸ ψῶμισμα καταπίνουσαι τῷ σιάλῳ τὰ παιδία παραλείφουσιν*, that is to say, unscrupulous politicians who by flattering the people were enabled to retain for themselves the substantial profits.

If the secret of their success lay in their ability to dupe their audiences through oratorical skill, the effective method of exercising that power resided in the combinations or rings which they formed among themselves. Though Aristophanes makes no direct reference to such cliques,¹ Plutarch mentions the group which gathered under the leadership of Thucydides (*Pericles* c. 14) in opposition to Pericles, and also the party of Alcibiades (*Pericles* 20, 3, οἱ περὶ τὸν Ἀλκιβιάδην *ρήτορες*) with its advocacy of the ill-fated Sicilian expedition. By the fourth century these rings became a regular feature of political activity, *τῶν ἡθάρων καὶ συνεστηκότων ρητόρων*, as Demosthenes calls them (22, 37; cf. 18, 226), and again, *συνιστάμενοι οἱ ρήτορες οἱ ἐν τῇ βουλῇ* (24, 147). Aeschines likewise refers to them, *ἀνιστάμενοι δὲ οἱ συντεταγμένοι ρήτορες* (2, 74 and 1, 34), and to the collusion which they practised with the *στρατηγοί* (3, 7).²

Possessed of the power which comes from combinations of this character, these politicians were naturally approached by citizens, by office-holders, and by lobbyists in general who had axes to grind. The opposition to Alcibiades after his departure on the Sicilian expedition was fostered by lobbyists who had secured the support of the *ρήτορες*. Thus Thucydides (6, 29, 3) speaks of the opponents of Alcibiades *ἄλλους ρήτορας ἐνιέντες*, and Isocrates in similar vein, *οἱ δὲ συστήσαντες τὴν βουλήν καὶ τοὺς ρήτορας ὑφ' αὐτοῖς ποιησάμενοι πάλιν ἡγείρον τὸ πρᾶγμα*.³ Aeschines declares (3, 9) that the highest officials in the state were able to win the services of the politicians in the Senate and the Assembly and thus frustrate the examinations of accounts to which they themselves were liable. The Plataeans in their plea to the Athenians (*Isocr. Plat.* 3) complained

¹ Cf. however *Eq.* 60 and 358: in *Lys.* 577 *συνισταμένους* of *ἐταιρεῖαι*.

² For this political combination, see below p. 98.

³ *De Bigis* 7.

that they were beset not only by the Thebans but by the most powerful of the speakers whom the Thebans had procured as their advocates (*παρεσκευάσαντο συνηγόρους*). It is in this capacity of advocates that the *ρήτορες* make their appearance in the legal speeches, and the invidious connotation of the verb *παρεσκευάζομαι* is well known.¹ They were of course reimbursed for the services which they rendered their clients, and they were most susceptible to bribery. The charge of venality was indeed the most common charge levelled against them. Aristophanes in the *Plutus* (379) speaks of stuffing the mouths of the politicians with small coins, and the orators of the fourth century monotonously reiterate this theme,² orators who were themselves in some cases guilty of the very practice that they self-righteously condemned. Venality was a fault inherent in the character of the ancient Greeks, and Anacharsis, it will be remembered, laughed at Solon for imagining that the dishonesty and covetousness of his fellow-citizens could be restrained by written laws.³ The political activity of the *ρήτορες* therefore was due, broadly speaking, not to motives of disinterestedness nor desire for political advancement, but to motives of self-enrichment at the expense of their fellow-citizens and the state.⁴

In consequence, such charges as the following were brought against these politicians. In the first place they were accused of conducting a traffic in decrees and laws. The *ψηφισματοπώλης* in the *Birds* embodies in all probability this phase of the pernicious activity of politicians in moving, altering, and misinterpreting laws for the benefit of their particular clients. A simple illustration is given by Lysias (13, 72): τὰ μέντοι ὀνόματα διαπράττονται τὰ σφῶν αὐτῶν, δόντες ἀργύριον τῷ ῥήτορι, προσγραφῆναι εἰς τὴν στήλην ὡς εὐεργέτας ὄντας: but the best commentary is to be found in two passages in Demosthenes and Dinarchus,⁵ namely: οὐ μόνον δ' αὐτῇ τῆς πόλεως ἢ δωρεὰ προπεπηλάκισται καὶ φαῦλη γέγονεν, ἀλλὰ καὶ πᾶσαι

¹ Cf., e.g., Isaeus, 1, 7; [Dem.] 48, 36 and 51, 2.

² Cf. for instance Isocr. *Antid.* 30, and Dinarch. *c. Dem.* 4 and 98.

³ Plutarch, *Solon*, 5.

⁴ Cf. Lysias, 18, 16 and Isocr. *Antid.* 30 and Dinarch. *c. Dem.* 98.

⁵ 23, 201 and 1, 41 respectively. Cf. also Dem. 23, 184 and 24, 142; Aeschin. 3, 33; Dinarch. 1, 88.

διὰ τὴν τῶν καταράτων καὶ θεοῖς ἐχθρῶν ῥητόρων, τῶν τὰ τοιαῦτα γραφόντων ἐτοίμως, πονηρίαν, οἷ τσαύτην ὑπερβολὴν πεποίνηται τῆς αὐτῶν αἰσχροκερδείας ὥστε τὰς τιμὰς καὶ τὰς παρ' ὑμῶν δωρεάς, ὥσπερ οἱ τὰ μικρὰ καὶ κομιδῇ φαῦλ' ἀποκηρύττοντες, οὕτω πωλοῦσιν ἐπειωνίζοντες καὶ πολλοῖς ἀπὸ τῶν αὐτῶν λημμάτων γράφοντες πᾶν ὃ τι ἂν βούλωνται, and from Dinarchus, ἀπὸ ποίων ψηφισμάτων οὗτος ἢ ποίων νόμων οὐκ εἰληφεν ἀργύριον; εἰσὶ τινες ἐν τῷ δικαστηρίῳ τῶν ἐν τοῖς τριακοσίοις γεγεννημένων, ὅθ' οὗτος ἐτίθει τὸν περὶ τῶν τριηράρχων νόμον; οὐ φράσετε τοῖς πλησίον ὅτι τρία τάλαντα λαβὼν μετέγραφε καὶ μετεσκεύαζε τὸν νόμον καθ' ἐκάστην ἐκκλησίαν, καὶ τὰ μὲν ἐπώλει ὧν εἰλήφει τὴν τιμὴν, τὰ δ' ἀποδόμενος οὐκ ἐβεβαίον;

Secondly, the charge is made by Aristophanes and repeated in later writers that the politicians unlawfully appropriated public property to their own use. In the *Plutus* 566 sqq. is the statement that the ῥήτορες

ὁπότεν μὲν
ὥσι πένητες, περὶ τὸν δῆμον καὶ τὴν πόλιν εἰσὶ δίκαιοι,
πλουτήσαντες δ' ἀπὸ τῶν κοινῶν παραχρήμ' ἄδικοι γεγέννηται,
ἐπιβουλεύουσὶ τε τῷ πλήθει καὶ τῷ δήμῳ πολεμοῦσιν,¹

and of interest is a parallel passage in Demosthenes, 24, 124:² οὕτω δὴ καὶ οὗτοι οἱ ῥήτορες οὐκ ἀγαπῶσιν ἐκ πενήτων πλούσιοι ἀπὸ τῆς πόλεως γιγνόμενοι, ἀλλὰ καὶ προπηλακίζουσι τὸ πλῆθος. To conceal one's speculations successfully is a measure of the politician's ability, and he who has read the *Knights* of Aristophanes will remember the prophecy of a ῥήτωρ to the Sausage-seller that his successful theft and concealment of a piece of meat marked him as a future ruler of the state (*Eq.* 524). Similarly, Aeschines accuses the politicians of gaining a living off the public revenues (2, 161) and of profiteering by the war (*ibid.*, and 2, 79).

This particular form of speculation seems to have been commonly practised by these politicians. In his play *Peace*, Aristophanes, recurring to an old theme, describes the longing for peace that the poor farmers of Attica had and the wretched treatment accorded them by the speakers (οἱ λέγοντες, 635 sqq.), who, though aware of the prevailing distress, routed peace from the land, hoping thereby

¹ Cf. also *ibid.*, 30.

² Cf. also 22, 66 and Isocr. *Pan.* 12.

to make money by accusing falsely the wealthy allies. In the *Acharnians* (38) Dicaeopolis, one of these poor farmers, in his yearning for peace, comes to the meeting of the Assembly prepared to bawl down the *ρήτορες* if the subject of peace is not discussed. In short, οὐκ ἤρεσκέ τισι τῶν ρητόρων ἡ εἰρήνη, says Aeschines (2, 161): for ἐπλούτουν τινὲς ἐκ τοῦ πολέμου, ἀπὸ τῶν ὑμετέρων εἰσφορῶν καὶ τῶν δημοσίων προσόδων.

It was consequently to the interest of the politicians to arouse the warlike spirit of the people and to incite them to the declaration of war,¹ by urging as arguments not only the recovery of former power but also the material profits to be gained.² It is natural then that the politicians should oppose the making of peace, maintaining, as Andocides tells us (*De Pace* 3, 1), that peace would mean in effect the overthrow of the existing government. By such iniquitous and chauvinistic arguments as these did the politicians, in the opinion of the orators, work mischief to the state.

To further the policies that made for war, the *ρήτορες* could act in collusion with the *στρατηγοί*, the board of generals and admirals who held the highest political office in the state.³ These officials and the politicians worked for mutual profit and protection. At the head of each party in the Assembly was a *ρήτωρ* and beneath him⁴ a general whose acts were defended by the speaker in the Assembly.⁵ The method of log-rolling pursued by the *ρήτορες* with these officials is described by Plutarch (*Phocion* 7). "The administration of affairs was cut and parcelled out between the military men and the public speakers, so that neither these nor those should interfere with the claims of the others. As the one were to

¹ Cf. Isocr. *Phil.* 3; *De Pace* 5; [Dem.] 48, 24; Plut. *Reg. et Imp. Arophth.* 188 D.

² Cf. Isocr. *De Pace* 6.

³ For this common collocation of the terms *ρήτορες* and *στρατηγοί* cf. Xen. *Mem.* 2, 6, 15; Dem. 23, 184 and *Epistile*, 1, 8; Hyp. 1, 25, 1; Dinarch. 2, 26; Aristotle *Rhet.* 3, 1388b, 18; Plut. *Pericles* c. 36.

⁴ Dem. 2, 29, *ρήτωρ ἡγεμῶν ἐκατέρων καὶ στρατηγὸς ὑπὸ τούτῳ*.

⁵ Cf. Aeschin. 2, 184 and Phocion's intercession. Of their influence in the Assembly, cf. Dem. 18, 170: ἡρώτα μὲν ὁ κῆρυξ, τίς ἀγορεύειν βούλεται; παρῆει δ' οὐδείς, πολλάκις δὲ τοῦ κήρυκος ἐρωτῶντος, οὐδὲν μᾶλλον ἀνίστατ' οὐδείς, ἀπάντων μὲν τῶν στρατηγῶν παρόντων, ἀπάντων δὲ τῶν ρητόρων. Isocrates, *Phil.* 81, prided himself on being neither *στρατηγός* nor *ρήτωρ*, lacking the *τόλμη* of the one and the *φωνή* of the other.

address the assemblies, to draw up votes and prepare motions, and were to push their interests here; so, in the meantime, others were to make their profit by war and in military commands."¹ The combined influence of these two classes was most potent and dangerous to the welfare of the state.² In the *Androtion* (22, 66) Demosthenes declares that the treasury had been robbed, that many generals and politicians had been brought to justice for peculation, and he accuses Androtion in fact of being one of them. In the affair of Harpalus both generals and politicians played a sorry rôle and they were the objects of attack on the part of both Dinarchus (1, 112) and Hyperides (1, 24, 4) for venality.

Since these *ρήτορες* placed politics above statemanship and since they were guided in their political career by motives of self-interest, the counsels given by them in the legislative bodies were inimical to the common weal. "If two politicians," says Agoracritus to Demus in the *Knights* (1350 sqq.), "should advise, one building ships of war, the other spending the money on the jurors, the latter with his proposal of pay would win over the former." Such appeals made to the baser instincts and passions³ of the Athenians were sure to carry the day. By beguiling their audiences with cozening words, by playing to the Athenian love of flattery, these politicians were able to practise deception⁴ and thus promote their own selfish schemes. Thucydides is full of disparaging assertions of the fickleness of the mob and of the pernicious influence exercised by the politicians,⁵ and additional evidence in other writers is not far to seek. Seduced then by the politicians, the Athenians voted measures which were in the interest not of the state but of their evil advisers,⁶ and later, when they viewed their action in the light of reason, they repented and visited their displeasure upon these evil

¹ Clough's translation, with omissions. See also Plut. *De Amore Fraternali*, 486 D.

² So Aeschin. 3, 7; Dem. 18, 205; Hyp. 3, 27.

³ Cf. for example, Lysias 22, 2.

⁴ *ἐξαπατᾶω* is the *vox propria*. Cf. for example the opening scene and the parabasis of the *Acharnians*, and the *Knights*, *passim*, especially 213 sqq. and 1340.

⁵ Cf. 2, 21, 3; 2, 59; 2, 65; 3, 36 sqq.; 4, 28; 8, 1.

⁶ Cf. Lysias 18, 16, and 30, 22; Aeschin. 2, 74; Dem. 3, 21; Dinarch. *c. Dem.* 99; Isocr. *Antid.* 138; and Ar. *Vesp.* 1095.

counsellors. So Thucydides 8, 1, ἐπειδὴ τε ἔγνωσαν (i.e., the result of the Sicilian expedition), χαλεποὶ μὲν ἦσαν τοῖς ξυμπροθυμηθείσι τῶν ῥητόρων τὸν ἔκπλουν, ὥσπερ οὐκ αὐτοὶ ψηφισάμενοι.¹

As a result of the misguidance of the people by the politicians, it was not uncommon for an orator to oppose the proposals of the politician as illegal, and to pose as the champion of the established institutions of the state as against the politician who would undermine² the constitution. χρὴ γὰρ, ὦ ἄνδρες Ἀθηναῖοι, says Aeschines (3, 16), τὸ αὐτὸ φθέγγεσθαι τὸν ῥήτορα καὶ τὸν νόμον· ὅταν δὲ ἑτέραν μὲν φωνὴν ἀφίῃ ὁ νόμος, ἑτέραν δὲ ὁ ῥήτωρ, τῷ τοῦ νόμου δικαίῳ χρὴ δίδοναι τὴν ψήφον, οὐ τῇ τοῦ λέγοντος ἀναισχυντίᾳ.³

To curb the wrongful power of these unscrupulous politicians, various measures were adopted by the Athenians, who in the fourth century at least perceived the necessity of some such step.⁴ In the first place, we are told that at the opening of each meeting of the Assembly a curse was pronounced by the herald upon whoever deceitfully advised the Senate, the Assembly, or the law courts.⁵ But a public curse proved to be no effectual deterrent. A more drastic penalty was devised against those who would seduce the people by bad advice. A law of impeachment, of uncertain date, was passed defining as offences against the state the acts of (1) those who were charged with conspiracy against the Athenian democracy, (2) those who were charged with betraying cities or military or naval forces to the public enemy, or holding treasonable communication with them, and (3) those speakers who were charged with being bribed by the public enemies to give evil advice to the people.⁶ Against persons accused of such crimes of high treason, a public accusation, εἰσαγγελία, could be brought, and the νόμος εἰσαγγελτικός of the fourth century is given in full by Hyperides in his oration for

¹ Similarly Ar. *Ecl.* 195; and cf. Ps. Xen. *Ath. Pol.* 2, 17 and Isocr. *Pan.* 15.

² λυμάλτρομαι is the technical term; e.g. Eurip. *Frag.* 597 N and the Orators *passim*.

³ And so Dem. 24, 142; Plut. *Sept. Sap. Conv.* 11, 154 F; and cf. Aeschin. 3, 130.

⁴ Cf. Ps. Xen. *Pol. Ath.* 3, 13; Isocr. *c. Loch.* 3; Hyp. 1, 21, 23; Dinarch. 1, 17.

⁵ Dem. 23, 97 and cf. 19, 70.

⁶ ἡ ῥήτωρ ὧν μὴ λέγῃ τὰ ἄριστα τῷ δήμῳ τῷ Ἀθηναίων χρήματα λαμβάνων — Hyperides 3, 8. Cf. Meier-Schömann-Lipsius, *Der Att. Process*, (1887) p. 314 sqq.

his client Euxenippus, who had been charged by Polyeuctus under the third provision of this act, namely of giving evil advice to the state in return for bribes given by enemies of the state.¹

A second measure taken to check the untoward activities and influence of the *ρήτορες* is found in a law relative to orderly conduct (*εὐκοσμία*) which Aeschines refers to Draco, Solon, and others of those times (1, 7 and 22 sqq.). At a very early period, then, were the *ρήτορες* placed under legal restraint. It is uncertain just what provisions were contained in this law, which apparently was concerned with parliamentary procedure and the control of debate,² but it is obvious from statements made by Aeschines (1, 23 and 3, 2) that the oldest citizens, namely those over fifty years of age, were entitled to speak first in the Assembly and then the debate was thrown open to the whole house. It was hoped thereby that the men of ripest experience might give the sagest counsel and thus direct the policies of the state. But from the vain wish that Aeschines utters (3, 2) it is to be inferred that the law in his time had become a dead letter: in fact, no law nor official, he declares (3, 4), could restrain the *ἀκοσμία* of these politicians.

A third restrictive measure directed against the *ρήτορες* is the *ἐπαγγελία δοκιμασίας*, a summons, served publicly upon the *ρήτωρ*, to appear at a *δοκιμασία ρητόρων*, that is, an investigation of his right to appear as a *ρήτωρ*.³ The chief source of information about this process is contained in a speech delivered by Aeschines against Timarchus, in which the latter is charged with disgraceful offences which would subject him to *ἀτιμία*.⁴ The process was apparently served in the Assembly⁵ and the case brought before a court, *ἀτιμία* being the penalty. Aeschines (1, 28 sqq.) mentions four provisions of this law covering the various offences which disqualified a *ρήτωρ* from speaking publicly. These provisions are: (1) τὸν

¹ This oration is a *locus classicus* for the subject. For pertinent passages, cf. §§ 1, 4, 8 sq., 27, 29, 36. Cf. W. W. Goodwin, *Demosthenes Against Midias* (1906), p. 151 sqq.

² For the spurious law, cf. Aeschin. 1, 35.

³ Lycurgus *Frag.* 24.

⁴ The author of the Pseudo-Xenophontean *Polity of the Athenians* (3 13) had said that *ἀτιμία* was visited upon one for *μηδὲ λέγειν τὰ δίκαια*.

⁵ Aeschin. 1, 81.

πατέρα τύπτων ἢ τὴν μητέρα, ἢ μὴ τρέφων, ἢ μὴ παρέχων οἴκησιν, (2) τὰς στρατείας μὴ ἐστρατευμένους, ὅσαι ἂν αὐτῷ προσταχθῶσιν, ἢ τὴν ἀσπίδα ἀποβεβληκώς, (3) πεπορνευμένος ἢ ἡταιρικώς, (4) τὰ πατρῷα κατεδηδοκώς, ἢ ὧν ἂν κληρονόμος γένηται. For violating any provision of this law an action¹ could be brought against a *ρήτωρ* by his enemy.²

Finally, the politicians were guilty of excesses not only against the laws and the state but also against the people from whose ranks they had sprung. Wealth quickly and unjustly earned made them unmindful and contemptuous of their fellow-citizens.³ In the *Frogs* of Aristophanes (367) the chorus bid the *ρήτωρ*, who nibbled away the poet's pay because he had been lampooned in the comedies, to keep aloof from their dance. Similar charges of unjust treatment are not infrequently found in the orators, who like to point to themselves as the champions of the oppressed, the spokesmen of law and order. Two significant and illustrative passages are provided by the twenty-fourth oration of Demosthenes and by the speech of Isocrates *On Peace*. The former accuses the politicians (§§ 124 sqq.) of treating the people with contumely, of subverting laws of Solon, and of imprisoning when in office private individuals (§§ 142 sqq.). The latter charges them amongst other things with reducing many citizens to want and amassing riches by excluding these citizens from their patrimonies (§§ 124 sqq. and 129 sq.). Indeed the predatory disposition of the politicians is the burden of many a complaint.⁴

Such then is the indictment of the politicians as preferred by Aristophanes and others of the time, and what he has to say about the *ρήτορες* may be applied to that minor character in the *Birds*, the *ψηφισματοπώλης*. For the picture that the comic poet presents in his plays is by and large that drawn by the orators, philosophers, and historians of the fourth century.

¹ *ρήτορικὴ γραφή*. Cf. Harpocraton s.v.

² For the *δοκιμασία*, see Meier-Schömann-Lipsius, *Der Att. Process* (1887), p. 248; Pauly-Wissowa, *Real-Ency.* 5¹, 1272; and Daremberg et Saglio, *Dict. s.v.*

³ Cf. Ar. *Plut.* 569 and Dem. 24, 123-124.

⁴ Cf. Aeschin. 3, 233; Dem. 21, 189; [Dem.] 25, 40; Isocr. *De Pace* 26; Lyc. c. *Leocr.* 31.